GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MINES & MINERALS – 2nd Renewal of Mining Lease for Limestone over an extent of 335.060 Hectares in Sy.Nos.431 & 432 etc., of Nidzuvvi (V), Yerraguntla (M), YSR Kadapa Dist held by M/s.India Cements Ltd., for the period from 16.01.2014 to 31.03.2030 - Orders – Issued.

INDUSTRIES & COMMERCE (M.III) DEPARTMENT

G.O.MS.No. 69 Dated: 11-05-2017

Read the following:

1.G.O.Ms.No.1601, Ind & Com Department, dt.14.08.1973.
2.GO.Ms.No.514, Ind & Com (M.III) Department, dt.25.08.1983.
3.G.O.Ms.No.522, Ind & Com (M.III) Department, dt.26.09.2000.
4.G.O.Ms.No.243, Ind & Com (M.III) Department, dt.23.04.2001.
5.Application dt.12.12.2012 of M/s.The India Cements Ltd., for 2nd Renewal of the M.L.
6.MM (D&R) Amendment Act, 2015, dt.12.01.2015 by issued by the Ministry of Law & Justice (Legislative Dept), GoI, New Delhi.
7.From DM&G, A.P., Vijayawada File bearing No.14638/R5-2/016, dt.28.11.2016.

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O R D E R:

In the reference 1st read above, a Mining lease for Limestone over an extent of 335.060 Hectares in Sy.Nos.431 & 432 etc., of Nidzuvvi (V), Yerraguntla (M), YSR Kadapa Dist was originally granted in favour of M/s.Cement corporation of India Ltd., for a period of (20) years. The lease was executed by the Collector, Kadapa on 17.01.1974 for period of (20) years and was in force up to 16.01.1994.

2. In the reference 2nd above, Government have accepted for surrendering the area of 6.50 Acs by the lessee Co., out of the total extent of 335.060 Hectares.

3. In the reference 3rd read above, Government have subsequently granted 1st Renewal of M.L. of the said area in favour of the lessee Co., M/s.Cement Corporation of India Ltd., and the lease deed was executed by the ADM&G, Kadapa vide his Prog dt.13.06.2001 for a further period of (20) years w.e.f 17.01.1994 to 16.01.2014.

4. Further, in the reference 4th read above, Government have accorded permission for transfer of M.L. deed held by M/s.Cement corporation of India Ltd., for Limestone over an extent of 335.06 Hectares in Sy.Nos.431 & 432 etc., of Niduzuvvi (V) Yerraguntla (M) YSR Kadapa Dist in favour of M/s.The India Cements Ltd., and same was executed by the ADM&G, Kadapa vide his Progs dt.13.06.2001 for the unexpired portion of the lease period i.e., up to 16.01.2014.

5. In the reference 7th read above, the Director of Mines & Geology, A.P., Vijayawada has submitted that the lessee M/s.The India Cements Ltd., has subsequently filed Application before the ADM&G, Yerraguntla on 12.12.2012, for 2nd Renewal of the M.L. for C.G. Limestone over an extent of 335.06 Hectares, in Sy.Nos.431 & 432 etc., of Nidizuvvi (V), Yerraguntla (M), Y.S.R.Kadapa Dist for a further period of (30) years. Accordingly, after completion of the survey & inspection of the M.L. area, the ADM&G, Yerraguntla has submitted proposal for renewal of grant on 23.04.2013 and the proposal was returned to the ADM&G for clarification on certain points regarding survey & preparation of sketches. In the mean time the GoI has issued orders duly amending the MM (D&R) Act, 2015. Based on the said Amendment Act, the ADM&G, Yerraguntla has re-submitted proposals for extension of lease period up to (50) years U/s 8 (5) & (6) of the Act, 2015 along with Checklist information on 21.09.2016 for grant of extension of lease period pertaining to the M.L. held by M/s.India Cements Ltd., over the subject area.

6. The DM&G has further submitted that as reported by the ADM&G it is noticed that the mine is working with (24) men, (2) No. of Excavators, (3) No. of Dumpers, (2) No. of Trippers, T.C.450-1, Driller-1 and 01 loader. There is a stock of 5,000 MTs of Limestone at mine site and reported that there are no violations committed by the lessee. The present M.L. was granted for captive purpose and hence the lease period shall be extended in terms Sec 8 A (6) of MM (D&R) Amendment Act, 2015. The original lessee M/s.India Cements Ltd., who was granted M.L. on 14.8.1973 which was executed by the Dist Collector, Kadapa on 17.01.1974 for a period of (20) years w. e. f. 17.01.1974 to 16.01.1994 is having Two (2) Cement Units at Yerraguntla & Chilmakur Villages of YSR Kadapa District. As such the present mine is for Captive purpose only. As per Sec 8A (5),

(P.T.O.)

the present M.L. shall be deemed to have been granted for a period of (50) years. Hence, the initial execution of expiry of the (50) years is from the date of grant i.e., from 17.01.1974 to 16.01.2024. As the Sec 8A (5) is applicable in the present case, the M.L. shall be extended and deemed to have been extended up to the period ending on the 31.03.2030 with effect from the date of expiry of the period of renewal last made or till the completion or renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms & conditions of the lease have been complied with. In the present case, the 1st renewal period was expired on 16.01.2014. As the present M.L. mineral will be used for captive purpose and hence, it attracts, the sec 8 (3)/8 (5) of MM (D&R) Amendment Act, 2015. The (50) years period is expiring on 16.01.2024 or 31.03.2030 for captive purpose whichever is later. Hence the M.L. will be in force from 17.01.2014 to 31.03.2030. The grant of 2nd renewal will be from 17.01.2014 to 31.03.2030 as per Sec 8(5) of MM (D&R) Amendment Act, 2015 as detailed below:

S.No.	Details	Period of Lease
1.	The original grant was made for a period of 20 years	17.01.1974 to 16.01.1994
2.	The 1st renewal of mining lease was in force	17.1.1994 to 16.1.2014
3.	The 2nd RML application was filed on	12.12.2012
4.	The 2nd RML to be granted for further period	17.1.2014 to 16.1.2034
5.	The 50 years period from original grant under Sec 8 (3) of MM(D&R) Act, 2015.	17.1.1974 to 16.1.2024
6.	The present Mining Lease is captive purpose since, the lessee is holding (2) Cement Units at YSR Kadapa Dist.	17.1.2014 to 31.3.2030 i.e. from the date of expiry of the period of renewal last made up to 31.3.2030.

7. While narrating the above circumstances and while furnishing the connected record the DM&G has therefore requested the Government to grant 2nd renewal of Mining Lease for Limestone over an extent of 335.060 Hectares in Sy.Nos.431& 432 etc., of Nidzuvvi (V), Yerraguntla (M), Kadapa District held by M/s.India Cements Ltd., w.e.f. 16.1.2014 to 31.3.2030 as per Sec 8A(5) of MM (D&R) Amendment Act, 2015 on the ground that the mineral is using for captive purpose.

8. Government, after careful examination of the issue, hereby grant the 2nd Renewal of Mining Lease for Limestone over an extent of 335.060 Hectares in Sy.Nos.431 & 432 etc., of Nidzuvvi (V), Yerraguntla (M), YSR Kadapa District held by M/s.India Cements Ltd., for the period from 16.01.2014 to 31.03.2030 as per Section 8-A (3) and (5) of new MM (D&R) Amendment Act, 2015.

9. The rates of royalty, dead rent, surface rent and water charges shall be collectable as follows or as revised by the Government from time to time:

I.Royalty:

Limestone	(a) L.D.Grade (less than one and half percent Silica content)	Ninety Rupees per Tonne.
	(b) Others	Eighty Rupees per Tonne.

II. Dead rent:

Rates of dead rent in Rupees per Hectare per annum or as revised by the Government from time to time		
From Second year of lease	Third and Fourth year	Fifth year onwards
400	1000	2000

III. Surface rent and water charges: As fixed by Government from time to time

10. The grantee should execute the lease deed as prescribed under MM (D&R) Amendment Act, 2015.

11. The grantee should pay necessary deposit amounts as prescribed under the existing Rules before the lease is actually executed.

12. The terms & conditions referred to in paras 9 to 11 of this order are subject to such further modifications, additions and alterations as may be ordered before the lease deed is executed.

13. The Director of Mines & Geology, Government of A.P., Hyderabad shall take necessary further action for the execution of Lease deed after satisfying himself that the grantee fulfills all the required provisions of the amended Act & Rules. As soon as the Lease deed is executed, the date of such execution should be reported to the Government.

Note: the grant is liable to cancellation, should it be found at later date that it was grossly inequitable or was made under a mistake of fact or owing to misrepresentation or fraud in excess of authority.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SREEDHAR
SECRETARY TO GOVERNMENT (MINES)

To,
M/s.India Cements Limited,
White House Block III, 3rd Floor, 6-3-1192/1/1,
Kundan Bagh, Begumpet, Hyderabad – 500 016.
The Director of Mines & Geology, A.P., Vijayawada. (with file)

Copy to:

The Zonal Joint Director of Mines & Geology, YSR Kadapa District.
The Assistant Director of Mines & Geology, Yerraguntla (M), YSR Kadapa District.
The District Collector, YSR Kadapa District.
Secretary to Government of India, Ministry of Mines, Sastry Bhavan, New Delhi – 110 001.
The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur – 440 001.
The Director General of Mines Safety, Dhanbad, Bihar.
The Regional Controller of Mines, Indian Bureau of Mines, Room No.603, 6th Floor, CGO Towers, Kavadiguda, Secunderabad – 500 080.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER